

Message Text

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44

ACTION AF-06

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 6353

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY BLANTYRE

AMEMBASSY DAR ES SALAAM

AMEMBASSY GABORONE

AMEMBASSY KINSHASA

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY PRETORIA

UNCLAS NAIROBI 10227

LONDON FOR SEITZ

E.O. 11652: N/A

TAGS: PFOR, PDEV, RH, ZA, SF

SUBJ: SITHOLE ON ALLEGED NKOMO-SMITH AGREEMENT

1. RHODESIAN NATIONALIST LEADER SITHOLE ASSERTED IN TELEPHONE INTERVIEW FROM DAR ES SALAAM PUBLISHED NAIROBI SUNDAY "NATION" OF NOVEMBER 23 THAT NKOMO AND SMITH HAD REACHED AGREEMENT ON IMMUNITIES AND OTHER ASPECTS OF CONSTITUTIONAL CONFERENCE, WHICH IS SPELLED OUT IN DOCUMENT SIGNED BY TWO PRINCIPALS AND WITNESSED BY KAUNDA AND VORSTER. WE ARE UNAWARE WHETHER DETAILS OF PURPORTED AGREEMENT HAVE BEEN PUBLISHED ELSEWHERE, AND ARE REPORTING THEM AS OF POSSIBLE INTEREST ALTHOUGH WE UNABLE TO ASSESS THEIR VALIDITY.

2. ACCORDING SITHOLE, SMITH-NKOMO AGREEMENT GUARANTEES
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"FULL FREEDOM AND/OR DIPLOMATIC IMMUNITY FROM PREVENTIVE

DETENTION OR RESTRICTION FOR ALL ACTS OR OMISSIONS IN OR OUTSIDE OF RHODESIA, AND TO ENTER AND DEPART FREELY FROM RHODESIA." THIS IMMUNITY EXTENDS TO ANC REPRESENTATIVES ATTENDING MEETINGS IN ANY CAPACITY, "WHETHER AS DELEGATES, ADVISORS, AIDES OR ANY OTHER CAPACITY." REFERENCE TO PREVENTIVE DETENTION IS EXPLICITLY DEFINED TO APPLY TO DETENTION UNDER ANY REGULATION PURSUANT TO EMERGENCY POWERS ACT, CHAPTER 23. AGREEMENT REPORTEDLY ALSO GUARANTEES FREEDOM FROM HARRASSMENT OR RECORING BY TAPE OR FILM, AND PROVIDES FOR CONFIDENTIALITY OF TALKS WITH RIGHT OF APTICIPANTS "TO EXERCISE FREEDOM OF EXPRESSION AND SPEECH AT MEETINGS AND TO COMMUNICATE FREELY WITH ANY PERSON INSIDE OR OUTSIDE RHODESI."

3. AS REPORTED IN SUNDAY NATION, DOCUMENT SPECIFIES THAT "WHEN AGREEMENT HAS BEEN REACHED ON FORM AND CONTENT OF CONSITUTIONAL SETTLEMENT, FINAL CONSITTUIONAL CONFERENCE WILL BE ARRANGED AT MUTUALLY AGREED VENUE WHICH SHALL BE OUTSIDE RHODESIA. PURPOSE OF THIS CONFERENCE WILL BE TO RATIFY FORMALLY TERMS OF CONSTITUTIONAL DOCUMENT GIVING EFFECT TO AGREEMENT ITSELF." MONDAY DAILY NATION ADDS THAT NEGOTIATING TEAMS FROM BOTH SIDES AGREED IN SMITH-NKOMO DOCUMENT TO "ARRANGE PLENARY MEETING IN RHODESIA OF NOMINATED REPRESENTATIVES CHOSEN RESPECTIVELY BY GOVT. OF RHODESIA AND ANC."

4. SITHOLE WAS PREDICTABLY INFURIATED AT REPORTED AGREEMENT, WHICH HE CHARGED IN SUNDAY NATION INTERVIEW REPRESENTED A "SELL-OUT" BY NKOMO. ON THE OTHER HAND, NOV. 24 DAILY NATION EDITORIAL APPLAUDS AGREEMENT AND ADVISES SITHOLE TO ACCEPT NKOMO'S LEADERSHIP.

5. COMMENT: THERE HAS BEEN NO KENYAN OFFICIAL REACTION YET TO REPORTED AGREEMENT, BUT GOK FOR PAST YEAR HAS FAVORED RHETORIC OF "ARMED STRUGGLE" AND MAY FIND SMITH-NKOMO DEAL HARD TO SWALLOW.
MARSHALL

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